

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicants have amended claims 4, 7, 11, 13, 14, 16, and 26-28. Claims 19, 29, and 30 have been canceled. Accordingly, claims 1-18 and 20-28 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Allowable Subject Matter

The Applicants gratefully acknowledge the allowance of claims 20-25.

3.) Examiner Objections

On page 2 of the Office Action, the Examiner objected to claims 11-19 due to informalities. The Applicants have amended claims 11, 13, 14 and 19 to correct the informalities. In particular, the Applicants have eliminated the multiple dependent claims. Withdrawal of the objections is respectfully requested.

4.) Claim Rejections – 35 U.S.C. § 103(a)

In paragraphs 1-2 of the Office Action, the Examiner rejected claims 1-12 and 14-19 under 35 U.S.C. § 103(a) as being unpatentable over Widegren (US 6,374,112) in view of Subbiah (US 6,717,948).

In paragraph 3 of the Office Action, the Examiner rejected claim 13 under 35 U.S.C. § 103(a) as being unpatentable over Widegren in view of Subbiah and further in view of Oestreich (US 6,439,197).

In paragraph 4 of the Office Action, the Examiner rejected claims 26-28 under 35 U.S.C. § 103(a) as being unpatentable over Widegren in view of Oestreich.

The Applicants contend that Widegren is disqualified as prior art under 35 U.S.C. § 103(c) because it was commonly owned at the time the invention was made (and still is). More specifically, MPEP 706.02(I)(1) states:

Effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. 103 via 35 U.S.C. 102(e) is now disqualified as prior art against the claimed invention if that subject matter and the claimed invention "were at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." This change to 35 U.S.C. 103(c) applies to all utility, design, and plant patent applications filed on or after November 29, 1999, including continuing applications filed under 37 CFR 1.53(b), continued prosecution applications filed under 37 CFR 1.53(d), and reissues.

The instant application was filed on June 10, 2002. Applicant respectfully notes that the instant application as well as Widegren were, at the time the invention was made, all owned by the same entity – Telefonaktiebolaget LM Ericsson. The ownership information is indicated on the face of Widegren, and is shown for the instant application in an assignment executed on June 10, 2002, and recorded with the U.S. Patent and Trademark Office at reel 013121, frame 0260.

As a result, all of the requirements of 35 U.S.C. 103(c) have been met, and Widegren is disqualified as a prior art reference in the instant application.

Without Widegren, none of the combinations of references cited above establish a prima facie case of obviousness because the secondary references do not teach or suggest all of the claimed limitations. Therefore, Applicant respectfully requests the withdrawal of the rejection and the issuance of a Notice of Allowance for all pending claims.

5.) Prior Art Not Relied Upon

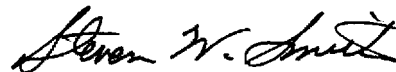
In paragraph 6 of the Office Action, the Examiner stated that the prior art made of record and not relied upon (Lancelot and Lim) is considered pertinent to the Applicants' disclosure. However, the Applicants' reading of these references has not revealed a telecommunication system or method as claimed by the Applicants.

6.) Conclusion

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-18 and 20-28.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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